

ORIGINAL

In The Matter Of:

FIDELITY INFORMATION SERVICES, INC.,

v.

DEBTDOMAIN GLMS PTE LTD, ET AL.

DEFAULT STATEMENT - Vol. 1

September 13, 2010

MERRILL CORPORATION

LegalLink, Inc.

225 Varick Street
10th Floor
New York, NY 10014
Phone: 212.557.7400
Fax: 212.692.9171

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

FIDELITY INFORMATION SERVICES, INC.,

Plaintiff,

-against-

Civil Action No.
09-cv-07589
(LAK)

DEBTDOMAIN GLMS PTE LTD., DEBTDOMAIN
(USA) INC., DAVID LEVY
and SETH ROTHMAN,

Defendants.

-----x

September 13, 2010
10:00 a.m.

Default Statement at the offices of
Chadbourn & Parke, LLP, 30 Rockefeller Plaza,
New York, New York, before TAMMEY M. PASTOR, a
Registered Professional Reporter, Certified
LiveNote Reporter and Notary Public within and
for the State of New York.

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2 A P P E A R A N C E S:

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4 CHADBOURNE & PARKE LLP

5 Attorneys for Defendants

6 30 Rockefeller Plaza

7 New York, New York 10112

8

9 BY: ROBERT A. SCHWINGER, ESQ.

10 -and-

11 ANDREA VOELKER, ESQ.

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10:01:50

1 DEFAULT STATEMENT

2	MR. SCHWINGER: Good morning. My	10:01:50
3	name is Robert Schwinger with the firm of	10:01:57
4	Chadbourne & Parke, attorneys for	10:02:00
5	Defendants in this action.	10:02:02

6	It is now a few minutes after ten	10:02:04
7	o'clock on Monday, September 13, 2010.	10:02:06
8	The Plaintiff has not shown up for his	10:02:12
9	Rule 30(b)(6) deposition this morning.	10:02:14
10	Nor has his counsel.	10:02:17

11	I would like to mark as Exhibit 1 a	10:02:19
12	Notice and Amended Notice of Deposition of	10:02:23
13	Fidelity Information Services pursuant to	10:02:27
14	Federal Rule of Civil Procedure 30(b)(6).	10:02:29

15	(Exhibit 1 marked for	10:02:29
16	identification, Amended Notice of	10:02:24
17	Deposition of Fidelity Information	10:02:25
18	Services pursuant to Federal Rule of Civil	10:02:27
19	Procedure 30(b)(6) dated 8/18/10, no	10:02:30
20	production numbers.)	10:01:50

21	MR. SCHWINGER: I would also like to	10:01:50
22	note the following on the record: At a	10:02:38
23	proceeding before Magistrate Judge	10:02:46
24	Kevin N. Fox held on July 28, 2010 on	10:02:50
25	page 26 of the transcript, at lines 4	10:02:53

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2 through 6 Defendants' counsel stated to 10:02:56
3 the court that they were requesting 10:03:00
4 separate depositions of both a 30(b)(6) 10:03:03
5 witness for the Plaintiff Fidelity and an 10:03:07
6 individual deposition of Ariel Elkayam. 10:03:11

7 On page 27 of the transcript at line 10:03:21
8 7 to 8 the court stated that there would 10:03:24
9 be an examination of Mr. Elkayam and a 10:03:27
10 30(b)(6) witness. 10:03:30

11 Notwithstanding the proceedings 10:03:40
12 which took place before the court, on 10:03:47
13 August 13, Plaintiffs' counsel Mark Moore 10:03:51
14 sent an email at 3:41 p.m. to Paul Tanck 10:03:56
15 at Chadbourne & Parke indicating that they 10:04:01
16 would, Plaintiffs would oppose setting two 10:04:07
17 full days for Mr. Elkayam to appear both 10:04:09
18 as the Rule 30(b)(6) representative of the 10:04:12
19 Plaintiffs and in his individual capacity. 10:04:15

20 By email sent later that same day at 10:04:17
21 4:11 p.m., Mr. Tanck replied to Mr. Moore 10:04:23
22 stating "The court has ordered two 10:04:29
23 depositions and we still intend to take 10:04:31
24 both." 10:04:33

25 The following Monday, August 16th, 10:04:38

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10:04:41
10:04:44
10:04:48
10:04:52
10:04:55
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10:04:59
10:05:07
10:05:12
10:05:18
10:05:19

10:05:26
10:05:28
10:05:30
10:05:46
10:05:50

10:05:54
10:05:57
10:06:04
10:06:05
10:06:07
10:06:10
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10:06:20

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the court for Protective Order with regard
to the depositions of Mr. Elkayam, either
as a Rule 30(b)(6) deposition
representative of the Plaintiff or in his
individual capacity. Thank you.

10:06:22

10:06:25

10:06:31

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10:06:36

(Time Noted 10:06 a.m.)

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C E R T I F I C A T E

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STATE OF NEW YORK)

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: ss.

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COUNTY OF NEW YORK)

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I, TAMMEY M. PASTOR, a Registered

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Professional Reporter, Certified LiveNote

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Reporter and Notary Public within and for the

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State of New York, do hereby certify that the

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foregoing proceedings were taken before me on

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September 13, 2010;

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That the within transcript is a true

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record of said proceedings;

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That I am not connected by blood or

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marriage with any of the parties herein nor

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interested directly or indirectly in the matter

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in controversy, nor am I in the employ of the

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counsel.

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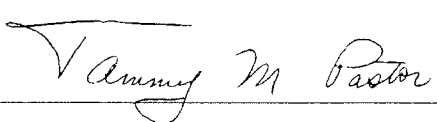
IN WITNESS WHEREOF, I have hereunto

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set my hand this 15th day of September, 2010.

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TAMMEY M. PASTOR, RPR, CLR

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(Exhibit 1 marked for 3
identification, Amended Notice of
Deposition of Fidelity Information
Services pursuant to Federal Rule of
Civil Procedure 30(b)(6) dated
8/18/10, no production numbers.)

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